

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

Alexandria Division

UNITED STATES OF AMERICA,

Plaintiff,

v.

GEORGE AREF NADER,

Defendant.

Case No. 1:19-CR-201

**SUPPLEMENTAL MEMORANDUM IN SUPPORT OF DEFENDANT GEORGE A.
NADER'S EMERGENCY MOTION FOR CONDITIONAL RELEASE**

Mr. George Nader, through counsel, respectfully submits this supplemental memorandum in support of his motion for conditional release after receiving late last week the forensic extract of the iPhone 7 that the Government contends contained the alleged child pornography. In summary, counsel for Mr. Nader observed no content from Mr. Nader's iPhone 7 indicating solicitation of, interest in, or knowledge of child pornography.

Over the weekend, counsel for Mr. Nader reviewed the bulk of the files that are contained in the Government's extract of the iPhone 7, including the browser history messages from his WhatsApp application. Based on counsel's review, outside of the alleged pornographic images – most (if not all) of which in fact do not constitute child pornography, as they are not sexually explicit material within the statutory definition – there is no evidence from the iPhone to support the charges in the Indictment. That is a significant development regarding the weight of the evidence against Mr. Nader, *see* 18 U.S.C § 3142(g)(2), as the extract defense counsel reviewed contains all of Mr. Nader's internet search history and thousands of private conversations on the very application the Government now contends was used to transport the alleged pornography

(WhatsApp). Mr. Nader's browser history contains 4,361 URLs (links to websites that he ostensibly accessed or try to access), which include Mr. Nader's internet searches from 2017 and 2018. Counsel for Mr. Nader has reviewed all of the URLs, either by looking at the websites or observing that certain websites are clearly not associated with pornographic material (e.g., news websites or financial updates). Not a single website contains pornographic material, demonstrates an interest in pornographic material, or would provide an individual aiming to obtain, transport, or disseminate child pornography an avenue for doing so.

In addition, there are 413 separate WhatsApp chat messages on Mr. Nader's phone spanning thousands of pages. Counsel has reviewed many of these messages already, and after obtaining informal translations of the Arabic content, none of the messages reviewed to date reflect an interest in, solicitation of, or knowledge regarding child pornography. Furthermore, there are 26 "chat" files in the extract that contain thousands of pages of WhatsApp messages, including those surrounding the alleged images that the Government contends constitute child pornography or obscene material. The messages counsel has reviewed to date do not reveal an interest in – or knowledge of – the content for which the Government now seeks to prosecute Mr. Nader. For example, most of the surrounding text messages are emojis, benign adages and aphorisms, news articles, or irrelevant content and banter.

Mr. Nader respectfully submits the above information in support of his motion for conditional release, as it strongly supports the weakness of the government's case under 18 U.S.C. § 3142(g)(2) and Mr. Nader's lack of dangerousness under 18 U.S.C. § 3142(g)(4).

Dated: July 22, 2019

Respectfully submitted,

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